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12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15

16
17 LYCURGAN, INC. d/b/a ARES
ARMOR,

18 Plaintiff,

19 v.

20 B. TODD JONES, in his official
capacity as Head of the San Diego
Bureau of Alcohol, Tobacco,
21 Firearms and Explosives; and
DOES 1-10,

22 Defendants.

CASE NO. 14-CV-1679 JLS (BGS)

**JOINT MOTION FOR EXTENSION OF
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO DISMISS**

Judge: Hon. Janis L. Sammartino
Dept.: 4A

23 On August 5, 2015, Defendant B. Todd Jones filed a Motion to Dismiss
24 for Lack of Jurisdiction. [ECF 39] The hearing date is set for October 1, 2015 at
25 1:30 p.m. in the above entitled Court. Thereafter, the Court issued an Order
26 Setting Briefing Schedule on August 10, 2015 [ECF 40]. Plaintiff was ordered
27 to file a response to the motion on or before September 3, 2015. Defendant's
28 reply, if any, was due on or before September 17, 2015.

1 The parties jointly move for an order extending the briefing schedule and
2 hearing date on the Motion to Dismiss. This joint motion is made because
3 plaintiff's counsel has other pressing deadlines on and before the due date for
4 the instant Reply, including a writ due to the Fourth District Court of Appeal
5 within the next week. In addition, defense counsel's is scheduled to attend an
6 out of state deposition on August 31, 2015, in Newport, Oregon and will be
7 leaving town on August 30, 2015.

8 The parties therefore jointly move for a new briefing schedule as follows:

9
10 Response to Motion to Dismiss: September 24, 2015
11 Reply to Motion to Dismiss: October 8, 2015
12 Hearing on Motion to Dismiss: **October 22, 2015**
13 **at 1:30 p.m.**
14

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16
17 Dated: August 28, 2015

Respectfully submitted,
The McMillan Law Firm, APC

/s/ Scott A. McMillan

Scott A. McMillan
Attorneys for Plaintiff

Office of the U.S. Attorney
/s/ Daniel E. Butcher

Daniel E. Butcher
Attorneys for the United States

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures of the United States District Court for the Southern District of California, I certify that the content of this document is acceptable to counsel for the Defendant and that I have obtained authorization from Daniel E. Butcher to affix his electronic signature to this document.

/s/ Scott A. McMillan

Scott A. McMillan

CERTIFICATE OF SERVICE

I, Michelle D. Volk, am a citizen of the United States, am over the age of eighteen, and not a party to the above entitled action. My business address is 4670 Nebo Drive, Suite 200, La Mesa, CA 91941-5230. I have caused service of the following documents:

**JOINT MOTION FOR EXTENSION OF BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO DISMISS**

By Electronic Court Service, upon:

U S Attorney CV Efile.dkt.civ@usdoj.gov

Daniel Everett Butcher Daniel.Butcher@usdoj.gov, efile.dkt.civ@usdoj.gov,
yvette.macias@usdoj.gov

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date set forth below.

The McMillan Law Firm, APC

Dated: August 30, 2015

/s/ Michelle D. Volk

Michelle D. Volk
Attorney for Plaintiff
Lycurgan, Inc.